



**OPASTCO**

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March 14, 2005

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

***Ex Parte* Notice**

**RE: In the Matter of**

**Level 3 Communications LLC's Petition for Forbearance Under 47  
U.S.C. 160(c) and Section 1.53 of the Commission's Rules from  
Enforcement of Section 251(g), Rule 51.70(b)(1), and Rule 69.5(b)  
WC Docket No. 03-266**

Dear Ms. Dortch,

On March 11, 2005, Stuart Polikoff and Randy Tyree of the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO) met with Commissioner Adelstein and his legal advisor Scott Bergmann. We discussed the petition filed by Level 3 Communications LLC that seeks forbearance from the assessment of access charges on Internet Protocol (IP) – Public Switched Telephone Network (PSTN) traffic. OPASTCO recommended that the petition be denied. The issues raised in Level 3's petition should be addressed in the FCC's proceeding on developing a unified intercarrier compensation regime (CC Docket No. 01-92). There is no reason why Level 3 should receive preferential treatment for the long distance traffic that it sends to the PSTN, merely because that traffic originates on an IP network. Grant of the Level 3 petition prior to comprehensive intercarrier compensation reform would only serve to exacerbate the regulatory arbitrage that the intercarrier compensation proceeding seeks to address.

In accordance with FCC rules, this notice and the attached letter are being filed electronically in the above-captioned docket.

Sincerely,

/s/Stuart Polikoff  
Director of Government Relations  
OPASTCO